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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,367	12/12/2003	Matthew B. Buczek	13DV-13879 (07783-0117)	1840
31450	7590	07/03/2006	EXAMINER	
MCNEES WALLACE & NURICK LLC 100 PINE STREET P.O. BOX 1166 HARRISBURG, PA 17108-1166			DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/735,367	Applicant(s) BUCZEK, MATTHEW B.	
	Examiner Merrick Dixon	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.


### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

  
**MERRICK DIXON**  
 4) ☐ **PRIMARY EXAMINER** (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4- 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McCullough jr et al(US 5356707).

The cited reference teaches the claimed invention including electrically resistant tow having stretched carbon fibers- col 8, lines 54-68; col 10, lines 11-15. concerning claims 5 and 6, the reference teaches stabilizing step and apparent turbstratic orientation for its fibers within the tow– col 11, lines 36-40; col 11, lines 36-60. concerning claims 2, 4, it is believed there would be carbon molecules being aligned via the aspect of the fibers being crimped- col 10, lines 65- col 11, line 22; col 13, lines 13-20. concerning claim 7, the reference teaches an increased electrical resistance in col 10, lines 6-8.

4. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over f McMullough Jr, et al (US 5356707). The reference teaches the basic claimed invention

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including a method for making a tow of several carbon fiber members, comprising stressing carbon PAN fibers, subjecting same to elevated temperature, adding additional types fibers thereto and blending the fibers to form a tow- col 9, line 44- col 10, line 15; col 11, lines 13-22; col 8, lines 54-68. concerning claim 16, the reference teaches stretch breaking process in col 10, line 35-37. concerning claims 15 and 17, it is submitted the types of fiber filaments used during the process is of no patentable consequences which must be manipulatively distinct.

5. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schimpf et al(US 5098688).

The cited reference teaches the claimed invention including a process for a tow comprising stressing the tow, heating same at least twice- col 2, lines 54-68. concerning claims 9 and 11, the reference teaches stabilizing steps and adding heating steps in col 2, line 54-68. concerning claim 12, the reference teaches PAN fibers in col 2, lines 11-15. concerning claim 13, the reference teaches graphitization in col 2, 2, lines 40-46. concerning claim 10, the reference teaches carbonization in col 2, lines 13-15 as required by claim 10.

6. Applicant's arguments filed 4-10-06 have been fully considered but they are not persuasive. Applicants basically argue that neither McCulloch nor Schimpf reference teaches the tow subjected to stress while being heated. Applicants argue that fibers are

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relaxed and unstressed . The examiner disagrees.. the fibers of the references are indeed stretched, not relaxed as argued – see col 10, lines 11-15; also, see entire reference disclosure. The cited McMullough jr et al patent additionally teaches the claimed process for reasons articulated in the previous office action, inter alla.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.** **Same facsimiles will not be entered** in the related applications unless otherwise agreed and noted by the examiner.

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**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a stylized, flowing script.

Merrick Dixon

Primary Examiner

Group 1700